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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,655	09/27/2005	Bryan Robert Siewert	60,469-235; OT-5020	1952
26584 7590 02/28/2007 OTIS ELEVATOR COMPANY INTELLECTUAL PROPERTY DEPARTMENT 10 FARM SPRINGS FARMINGTON, CT 06032			EXAMINER KRUER, STEFAN	
			ART UNIT	PAPER NUMBER
			3654	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/550,655

Applicant(s)

SIEWERT ET AL.

Examiner

Stefan Krueer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 18 is/are pending in the application.
- 4a) Of the above claim(s) 7, 9 - 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>27 September 2005</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

**Claims 7 and 9 - 18** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 14 December 2006.

The traversal is on the ground(s) that the examiner has improperly cited MPEP § 809.02(a) and 37 CFR § 1.414 in referencing protocol to establish a requirement for restriction, as well as the supposition that the claims specific to all species of the first invention (Group I) were not found to be unpatentable over prior art, thereby not fulfilling the requirements of restriction pursuant to the applicant's application filed under 35 U.S.C. 371 for National Stage Applications. Furthermore, applicant noted that no lack of unity for the PCT-application was determined during its prosecution.

This is not found persuasive because the aforementioned, cited rules govern the treatment of claims once a generic claim has been allowed, whereby said claims are either depending from the allowed, generic claim and address additional, non-elected species, or said claims are new claims added after the election wherein the applicant must designate which of said claims are readable upon the elected species, as stated in the second paragraph of Page 3 of the previous office action.

With respect to the assertion that no lack of unity was found in the PCT-application, the prosecution of the national stage applications will follow the practices and rules that govern the prosecution of applications filed in the United States.

The generic claim is not allowable over the prior art of reference as follows.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. *The form and legal phraseology often used in patent claims, such as "means" and "said" and "comprised" should be avoided.* The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 – 6 and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by Hiss (718,762).

**Re: Claim 1**, Hiss discloses:

- A cab (1, Fig. 3) that is supported for movement in a hoistway (not numbered),
- At least one load bearing member (7) having a first portion secured near a first end of the hoistway (10),

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- The load bearing member extends from the first end of the hoistway toward the cab and wraps at least partially around a first sheave (2, Fig. 1; Pg. 2, Line 80 - 85) supported for movement with the cab,
- Said load bearing member extending from said first sheave to toward the first end of the hoistway and wraps at least partially around a second sheave (11) toward a second end of said hoistway,
- Said load bearing member wraps at least partially about a third sheave (8) supported near the second end of said hoistway,
- Said load bearing member extending from said third sheave to a fourth sheave (3, Fig. 1; Pg. 2, Line 80 - 85) supported for movement with the cab,
- Said load bearing member extending from said fourth sheave towards the second end of the hoistway, and
- A tension device (12, Fig. 1 and 3) near the second end of the hoistway that secures a second portion of the load bearing member near the second end of the hoistway (Page 2, Line 54) and maintains tension on the load bearing member throughout all movement of the cab within the hoistway.

**Re: Claims 2 and 3,** Hiss discloses his machine (9) that causes movement of the load bearing member about the sheaves, wherein said machine is supported near the first end of the hoistway.

**Re: Claim 4,** Hiss discloses his machine (9) associated with at least one of said first, second, third or fourth sheaves such that the sheave associated with the motor is a traction sheave.

**Re: Claim 5,** Hiss discloses his traction sheave and his at least one deflector sheave wherein said sheaves contact said load bearing member between two of said first, second, third or fourth sheaves.

**Re: Claim 6,** Hiss discloses his tension device comprising a mess that remains near the second end of the hoistway (Page 2, Line 54).

**Re: Claim 8**, Hiss discloses "the only resistance besides friction which the traction sheave (sic) must overcome ... is one-half of the unbalanced load." (Page 2, Line 47) whereby an unbalanced load is understood to be the combined weight of the duty load and cab weight.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dover Europe (DE 195 07 628 A1) and Mattlar et al (US 2002/0125079 A1) are cited for reference of a tension device securing a second portion of a load bearing member near a second end of a hoistway, whereby the take-up and release of the respective section lengths of the load bearing member is equalized, thereby permitting the use of a smaller machine with reduction in drive capacity and electrical requirements (Col. 2, line 42 & Col. 5, 28); and "...a counterweight typically equals the mass of the car plus half the nominal load", respectively.

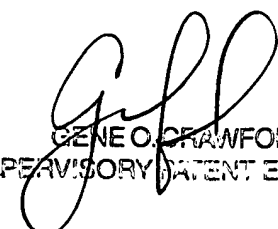
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571.272.6911. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

15 February 2007

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER